



ADMINISTRATIVE RULES OF MONTANA



24.8.746 EVIDENCE

- (1) The evidence received and considered in contested case proceedings shall conform to the Montana Rules of Evidence and the provisions of 2-4-612, MCA, except as modified for informal proceedings under 2-4-603 and 2-4-604, MCA.
- (2) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data. They shall be afforded an opportunity to contest the material so noticed.
- (3) Parties have the right to conduct cross-examination for a full and true disclosure of facts, and other examination by way of examination beyond the scope of direct, cross, or redirect examination shall be within the sound discretion of the hearing officer or the commission.

Authorizing statute(s): 49-2-204, 49-3-106, MCA

Implementing statute(s): 2-4-603, 2-4-604, 2-4-612, 49-2-505, 49-3-315, MCA

History: NEW, 2008 MAR p. 2636, Eff. 12/25/08.